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224



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,834	08/03/2001	Claude Rocray	560043670132	8606
24325	7590	07/09/2004	EXAMINER.	
STEPHEN D. SCANLON JONES DAY 901 LAKESIDE AVENUE CLEVELAND, OH 44114			DAS, CHAMELI	
			ART UNIT	PAPER NUMBER
			2122	

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/921,834	ROCRAY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CHAMELI C. DAS	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/8/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-17 are pending.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: In the specification, on page 4, line 11, and on page 18, line 1, the blank space should be replaced with appropriate US Patent application numbers.
3. The "Brief description of the drawing" section does not describe figure 2A and 2B. Appropriate correction is required.

#### ***Claim Objections***

4. Claim 6 is objected to because of the following informalities: In claim 6, the limitation "requesting software by a first of the processor module" should be replaced by "requesting software by first processor module". Appropriate correction is required.
5. Claim 12 is the duplication of claim 9.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shing et al (Shing), US 5,495,610, and further in view of official notice.

***As per claim 1, Shing discloses:***

- a plurality of processor modules, including a software management processor (Abstract, lines 1-3, col, 15, lines 33-40, col 21, lines 32-35), where the mainframe processor is the “software management processor”
- a storage configuration, a plurality of software components stored in the storage (col 22, lines 18-20, col 20, lines 45-50, col 15, lines 15-21)
- wherein the software components are configured for use with the processor modules (col 15, lines 50-60, col 14, lines 9-20)
- a software generic control information file stored in the storage, wherein the control information relating to the compatibility of the software components with the processor module (col 10, lines 15-28, col 13, lines 11-28, col 14, lines 9-21, col 15, lines 50-62, col 5, lines 45-62), where the “SDS Entity-Relationship model takes account of special program types , data and interactions by further providing **SDS entity and relationship types tailored for use with this special software**” is considered as “software generic control information”
- wherein the software management processor uses the said control information to determine which of the software components to distribute to one of the processor modules that requests software stored on the storage (col 5, lines 45-63).

Shing discloses that warehouse 4 (storage configuration) is a permanent storage (col 21, lines 50-55). Shing does not specifically disclose that the storage is non-volatile memory. However, official notice is taken for non-volatile

memory. The modification would be obvious because one of the ordinary skill in the art would be motivated to store the program or data in a storage space that does not lose data when power is removed from it.

**As per claim 2, Shing** discloses the storage comprises disk space (col 6, lines 4-8), where data base is the warehouse 4 (col 5, lines 33-36, col 19, lines 35-40).

**As per claim 3, Shing** discloses the storage comprises memory device (col 12, lines 41-45).

**As per claim 4, Shing** does not specifically disclose the CDs. However, official notice is taken for CDs. The modification would be obvious because one of the ordinary skill in the art would be motivated to store the program or data in a storage space which is characterized by high capacity and the use of laser optics rather than magnetic means for reading data.

**As per claim 5, Shing** discloses generic control information contains a product section and a component section (col 3, lines 65 – col 4 lines 1-15), where “release” is the product section and “entity” is the component section.

**As per claim 6, Shing discloses:**

- checking the control information to determine if the software components are compatible with the processor modules (col 3, lines 50-65, col 13, lines 15-25)
- requesting software by first processor modules (col 26, lines 19-25)
- searching through the control information to identify which software components are compatible with the first processor module (col 3, lines 50-65, col 13, lines 15-25)

- supplying a software component file to the first processor module (col 1, lines 14-16).

***As per claim 8***, Shing discloses:

- the storage configuration having a primary bank and alternate bank (Shing, col 20, lines 45-52), where "repository 5" is the primary bank and "warehouse" is the alternate bank
- downloading the software load to the alternate bank (col 23, lines 40-45)
- initiating a system boot up using software component stored in the alternate bank (col 4, lines 59-66), where Shing shows that the computer's operating systems are executing, Shing also discloses the modified software which are installed in the warehouse (alternate bank) can be executed which shows clearly that initiating a system boot up using the software component stored in the warehouse (alternate bank)
- checking the control information to determine if the software components are compatible with the processor modules (col 3, lines 50-65, col 13, lines 15-25)
- providing to the processor modules the software components that they are compatible (col 22, lines 29-54)
- verifying that the system is operating properly (col 22, lines 18-55)
- re-designating the former alternate bank as the new primary bank (col 21, lines 22-40), and the former primary bank as the new alternate bank (col 20, lines 23-33).

For the rest of the limitations see the rejection of claim 1 above.

***For claim 9,*** (col 20, lines 45-52).

***As per claim 10,*** Shing does not specifically disclose that the storage is non-volatile memory. However, official notice is taken for non-volatile memory. The modification would be obvious because one of the ordinary skill in the art would be motivated to store the program or data in a storage space that does not lose data when power is removed from it.

***As per claim 11, Shing discloses*** software management processor is the only one of the processor that has direct communication with the storage (col 5, lines 5-10).

***Claim 12 is the duplication of claim 9.***

***As per claim 13,*** a current context are containing a copy of system ... processor (col 15, lines 15-22, col 21, lines 60-64).

***For claim 14,*** see the rejection of claim 1 above.

***For claim 15,*** (col 20, lines 45-52).

***As per claim 16,*** a current context are containing a copy of system ... processor (col 15, lines 15-22, col 21, lines 60-64).

***For claim 17,*** see the rejections of claim 10 and 11 above.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shing et al (Shing), US 5,495,610, and further in view of official notice and Ellison et al (Ellison), US 6,678,825



**As per claim 7**, Shing does not specifically disclose searching by maximum and minimum hardware type. However, Ellison discloses searching by maximum and minimum hardware type (Ellison, col 13, lines 62-67- col 14, lines 1-15). The modification would be obvious because one of the ordinary skill in the art would be motivated to support the isolated execution mode in the processor in the multiprocessor environment.

**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Method of processing a program by parallel processing, and a processing unit thereof . US 5410696 A

TITLE: Upgrade of a program, US 6681390 B2

TITLE: Installing software based on a profile, US 6301707 B1

TITLE: Distributed processing, US 6216262 B1

TITLE: Methods and systems for booting a computer in a distributed computing system, US 5948101 A.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 703-305-1339. The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M.

Art Unit: 2122

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 703-305-4552. The fax number for this group is: (703) 872-9306.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

*Chameli C. Das*  
**CHAMELI C. DAS**  
**PRIMARY EXAMINER**

7/8/09